

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1761 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated
12/08/2004 in WP NO : 28190 OF 1995 on the file of the High Court.)

Between:

- 1 P. Bhaskara Rama Charyulu, S/o. Narayanacharyulu,
Archaka, R/o. Veeravaram Village,
Kadium Mandal, East Godavari District.
- 2 P. Venkata Kondandaramacharyulu, S/o. Sobhanadricharyulu,
Archaka, R/o. Veeravaram Village,
Kadium Mandal, East Godavari District.
- 3 P. Lakshmanachary, S/o. Kondandaramacharyulu,
Archaka, R/o. Veeravaram Village,
Kadium Mandal, East Godavari District.
- 4 P. Ramacharyulu, S/o. Tirumala Venkata Krishnamacharyulu,
Archaka, R/o. Veeravaram Village,
Kadium Mandal, East Godavari District.

..... APPELLANTS

AND

- 1 The Revenue Divisional Officer, Rajahmundry, East Godavari District.
- 2 The Mandal Revenue Officer, Alamuru Mandal, East Godavari District.
- 3 The Mandal Revenue Officer, Kadium Mandal, East Godavari District.
- 4 Masta Venkata Lakshmi, W/o. Devullu,
R/o. Nagulapeta, H/o. Madiki, Alamuru Mandal, East Godavari District.
- 5 Ramalapudi Satyavathi, W/o. Raja Babu,
R/o. Nagulapeta, H/o. Madiki, Alamuru Mandal, East Godavari District.
- 6 Chellapareddy Varahamma, W/o. Raja Babu,
R/o. Nagulapeta, H/o. Madiki, Alamuru Mandal, East Godavari District.

- 7 Uggina Kanthamma, W/o. Tatalu,
R/o. Nagulapeta, H/o. Madiki, Alamuru Mandal, East Godavari District.

.....RESPONDENTS

Counsel for the Appellant:MR.T.V.S.PRABHAKARA RAO

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

Counsel for Respondent Nos.4 to 7: Mr.N.Siva Reddy

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

The appellants, apprehending their dispossession from the schedule lands situated in Veeravaram village, East Godavari District filed W.P.No.28190 of 1995 seeking to have the said action of the respondents declared null and void. Interim order was also obtained by the petitioners-appellants. But learned single Judge dismissed the writ petition on the ground that the petitioners, being tenants on the land belonging to a charitable and endowment institution, cannot object to the lands being acquired. Appeal is against the said order.

We have heard the learned counsel for the parties and gone through the affidavit of the Revenue Divisional Officer filed in the writ petition stating that there was a proposal made to acquire the temple lands situated in Veeravaram village but the appellants filed writ petition and obtained stay. In view of the fact that there was stay operating, Land Acquisition Officer has thereafter not proceeded further and the proposals were not forwarded to the competent authority for approval. It is also stated in the counter that petitioners approached the court on mere apprehension that their lands would be acquired at the behest of some villagers, which apprehension was not correct.

Learned counsel for the appellants is aggrieved by the findings recorded by the learned single Judge and dismissing the writ petition as regards the status of the appellants. Learned counsel for the appellants states that the appellants are not tenants but it was under a compromise that lands were made over to the appellants by the Trust Board as service imams and in that capacity, the appellants are in occupation of the lands.

In a petition like this, the status of the appellants need not be gone into, being a disputed question of fact. As of today, there are no acquisition proceedings in progress. As and when the government would like to acquire the lands in question, whether the same belong to the endowment or on which the appellants have any

rights, needless to add, appellants can appear before the authorities, establish their title and question the proceedings in accordance with law. It is also to be borne in mind that the appellants' possession cannot be interfered with except in accordance with law and for that reason, we will allow the appeal, set aside the impugned order passed by learned single Judge and dispose of the writ petition with direction that appellants' possession be not disturbed otherwise than in accordance with law and in case there would be any proposal to acquire the lands, it would be open for the appellants to establish their title by appearing before the authorities and challenging those proceedings in accordance with law.

DEVINDER GUPTA, CJ

10-11-2004

C.V.RAMULU, J

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To

- 1 The Revenue Divisional Officer, Rajahmundry, East Godavari District.
- 2 The Mandal Revenue Officer, Alamuru Mandal, East Godavari District.
- 3 The Mandal Revenue Officer, Kadium Mandal, East Godavari District.
- 4 2 CCs to the Govt. Pleader for Revenue, High Court Buildings,

Hyderabad (OUT).

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